

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Mesa RHF Housing Partners v. City of Los Angeles, Los Angeles Superior Court Case No. BS 140224. (This case is a challenge to the formation of a Business Improvement District in the City of Los Angeles), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. APPROVE settlement of this case on the terms of the settlement, **that the City will satisfy Plaintiffs for all payments made by Plaintiffs with respect to assessments by the San Pedro Historic Waterfront Property and Business Improvement District (SPBID)**, and AUTHORIZE the City Attorney to execute the necessary settlement and release documents to effectuate the settlement. This settlement would result in a dollar amount of \$19,113.80 per year for five years for a total amount of \$95,569.00. This amount could increase by up to 5 percent per year for a total amount of \$110,896.11.
2. AUTHORIZE and INSTRUCT the City Clerk, subject to approval of the City Attorney, upon receipt of documentary proof that Mesa RHF Housing Partners has paid each of the assessments from the SPBID during the five-year life of the SPBID, to cause to be drawn and delivered demands for each such payment required to be made by the settlement in this matter, from funds available in City Attorney Fund 100, Department 59, Liability Claims Account No. 9770, to Mesa RHF Housing Partners, without further action by the Council or Mayor.
3. AUTHORIZE and INSTRUCT the City Controller to process the payments to the payee as specified by the City Clerk, subject to the approval of the City Attorney, that are authorized and required to be made pursuant to this settlement, from funds available in City Attorney Fund 100, Department 59, Liability Claims Account No. 9770, to Mesa RHF Housing Partners, without further action by the Council or Mayor.

(Budget and Finance Committee waived consideration of the above matter)

PRESENTED BY _____
MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY _____
TOM LABONGE
Councilmember, 4th District

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CF 13-1186
September 25, 2013

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